

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 11-20748
Honorable George Caram Steeh
Magistrate R. Steven Whalen

LEWIS KEVIN BELL,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

An Indictment was filed on or about December 7, 2011, which charged defendant Lewis Kevin Bell with being a felon in possession of a firearm pursuant to 18 U.S.C. § 922(g)(1), specifically a Bersa, Model Firestorm, .38 caliber pistol, serial number B74052 (the "Firearm"). The Indictment sought criminal forfeiture of the Firearm, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

A trial by jury was held and on November 7, 2012 defendant Lewis Kevin Bell was found guilty of being a felon in possession of the Firearm pursuant to 18 U.S.C. § 922(g)(1) as charged in the Indictment. Pursuant to 18 U.S.C. § 924(d) together with Title 28, United States Code, Section 2461(c), the Firearm is subject to forfeiture to the United States as it was involved in defendant's violation of 18 U.S.C. § 922(g)(1).

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT the Firearm shall be forfeited by defendant Lewis Kevin Bell to the United States.

Upon entry of this Preliminary Order of Forfeiture, the United States Attorney General or his designee is authorized to commence any applicable proceeding to comply with the statutes

governing third party rights, including giving notice of this Order.

The United States shall publish on www.forfeiture.gov, notice of this preliminary forfeiture order and of its intent to dispose of the Firearm in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n). Said notice shall direct that any person other than the defendant asserting a legal interest in the Firearm may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Firearm.

The petition must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in the Firearm, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Firearm, any additional facts supporting the petitioner's claim, and the relief sought.

After the disposition of any motion filed under Fed.R.Crim.P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Firearm.

Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to defendant Lewis Kevin Bell at the time of his sentencing. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed.R.Crim.P. 32.2(c)(2).

The United States shall have clear title to the Firearm following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. §

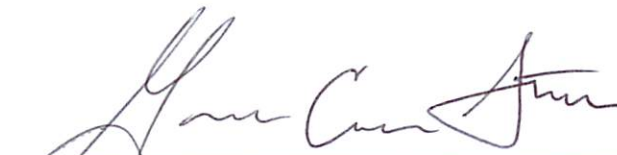
853(n)(2) for the filing of third party petitions.

The Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed.R.Crim.P. 32.2(e).

IT IS SO ORDERED.

Date:

2-13-13



HONORABLE GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE